

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CARL DURHAM and TYLER
DURHAM, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HAROLD DURHAM,

Respondent-Appellant,

and

TRISHA CURTIS,

Respondent.

UNPUBLISHED

August 4, 2005

No. 259754

Jackson Circuit Court

Family Division

LC No. 04-003328-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the order terminating his parental rights pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that statutory grounds had been established by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The initial service plan stated that respondent-appellant had a substance abuse problem and numerous emotional problems. According to this service plan, respondent-appellant admitted that he had abused his girlfriend and that he had anger management issues. These issues, along with the fact that respondent-appellant was convicted of fourth-degree criminal sexual conduct (CSC), support the trial court's finding that there was a reasonable likelihood that the children would be harmed if returned to his care.¹ We also find that these issues support the trial court's finding that

¹ The petition alleged that respondent sexually assaulted his five-year-old niece. The trial court,
(continued...)

respondent-appellant failed to provide proper care for his children. Because there was no testimony that respondent-appellant had addressed these issues, the trial court did not clearly err in finding that there was no reasonable likelihood that respondent-appellant would be able to care for his children within a reasonable time.

Furthermore, the evidence did not show that termination of respondent-appellant's parental rights was against the children's best interests. Although respondent-appellant argues that the children's best interests were not served because they would not be able to inherit his estate, respondent-appellant has provided no authority to support this contention. A party may not leave it to this Court to search for authority to sustain or reject its position. *Consumers Power Co v Pub Service Comm*, 181 Mich App 261, 268; 448 NW2d 806 (1989). Moreover, there was no evidence presented that respondent-appellant and these young children had any bond. Rather, it appears that respondent-appellant visited his children only four times, despite being allowed weekly-supervised visitation. The foster care worker opined that the children would suffer further emotional and physical harm if respondent-appellant retained his parental rights. Thus, after reviewing the lower court record, we find that the trial court did not clearly err in its best interests determination.

Affirmed.

/s/ Brian K. Zahra
/s/ Hilda R. Gage
/s/ Christopher M. Murray

(...continued)

without objection, took judicial notice of respondent's criminal file at the bench trial.